

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC B. MAYS,

Case No. 23-12705

Plaintiff,

F. Kay Behm

v.

United States District Judge

LADEL LEWIS, *et al.*,

Defendants.

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**CORRECTED ORDER ESTABLISHING DEADLINE FOR
SUBSTITUTION OF PLAINTIFF AND SUSPENDING DEADLINES**

On March 21, 2024, Defendants' counsel filed a suggestion of death concerning Plaintiff Eric Mays (the Decedent). (ECF No. 34). On March 26, 2024, Defendants filed a proof of service indicating that the suggestion of death was personally served on the personal representative of the Decedent's estate on March 25, 2024. (ECF No. 35). On April 8, 2024, the court entered a stipulated order administratively staying the case for 30 days to allow for the appointment of a legal successor or representative for the Decedent. (ECF No. 36). That stay has expired and no successor or representative moved for substitution.

Federal Rule of Civil Procedure 25(a)(1) allows for the substitution of an individual who is a party to a lawsuit "[i]f [the] party dies and the claim is not extinguished." The Rule states that if a party dies, then a motion for substitution

may be filed up to 90 days after the suggestion of death is served. Accordingly, representatives for the Decedent have 90 days from the service of the suggestion of death to file a motion for substitution, if appropriate, in accordance with Rule 25. Given that the suggestion of death was served on Decedent's personal representative on March 25, 2024, Plaintiff's counsel must file a motion for substitution in accordance with Rule 25 by **June 24, 2024** or this matter will be **DISMISSED**.

And in view of the current posture of the proceedings, the court also suspends all other case management dates, including the deadline for the response to Defendants' motion to dismiss (ECF No. 37), pending further action regarding substitution.

SO ORDERED.

Date: May 21, 2024

s/F. Kay Behm

F. Kay Behm

United States District Judge